

REMARKS

Claims 120-122, 126, 128, 130, 132-135, and 139-145 are pending. Claims 126, 128, 130, and 135 are withdrawn from consideration. Claims 120, 122, and 144 are allowed. Claims 121, 139, and 140 are rejected under 35 U.S.C. § 112, first paragraph, for new matter. Claims 121, 134, 139, and 140 are rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. Claims 132-134, 141, 142, and 145 are rejected under 35 U.S.C. § 102(b) for anticipation by Umezawa et al. (U.S. Patent Appln. Publn. No. 2002/0142457; hereinafter “Umezawa”) as evidenced by the entry for TEAD 4 TEA domain family member 4 [*Homo sapiens*], GeneID: 7004 (hereinafter “TEAD 4 TEA publication”). Finally, the Office rejects claim 143 under 35 U.S.C. § 103(a) for obviousness over Umezawa as evidenced by the TEAD 4 TEA publication in combination with GenBank Accession No. NP_003204. By this reply, Applicant cancels claims 126, 128, 130, 132-135, 141-143, and 145 without prejudice, amends claim 121, and responds to each rejection. The present amendments were made solely to expedite prosecution, and Applicant reserves the right to pursue any cancelled subject matter in this or in a continuing application.

Support for the Amendment

Support for the amendment to claim 121 is found in the specification at, e.g., page 14, lines 21-27. No new matter is added by the amendments.

Rejection under 35 U.S.C. § 112, first paragraph

New Matter

The Office rejects claims 121, 139, and 140 under 35 U.S.C. § 112, first paragraph, for new matter. Applicant has amended claim 121 to refer to SEQ ID NO: 7, which corresponds to the RTEF-1 amino acid sequence, rather than SEQ ID NO: 4. This rejection can be withdrawn.

Enablement

The Office also rejects claims 121, 134, 139, and 140 under 35 U.S.C. § 112, first paragraph, for lack of enablement. As is discussed above, Applicant has amended claim 121 to refer to SEQ ID NO: 7, which corresponds to the RTEF-1 amino acid sequence. The Office acknowledges that the specification is enabled with respect to the use of an RTEF-1 polypeptide that has at least 85% sequence identity to the sequence of SEQ ID NO: 7. Thus, this rejection can now be withdrawn.

Rejection under 35 U.S.C. § 102(b)

Claims 132-134, 141, 142, and 145 are rejected under 35 U.S.C. § 102(b) for anticipation by Umezawa as evidenced by the TEAD 4 TEA publication. Claims 132-134, 141, and 145 are cancelled, without prejudice. This rejection can now be withdrawn.

Rejection under 35 U.S.C. § 103(a)

The Office rejects claim 143 under 35 U.S.C. § 103(a) for obviousness over Umezawa as evidenced by the TEAD 4 TEA publication in combination with GenBank Accession No. NP_003204. Claim 143 is cancelled, without prejudice. This rejection can now be withdrawn.

CONCLUSION

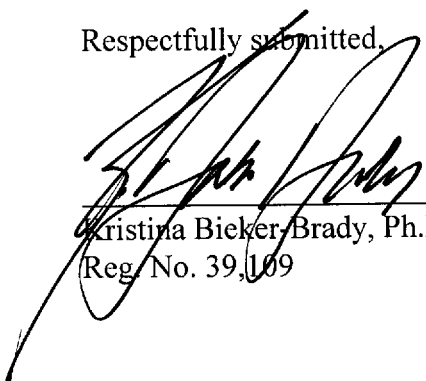
Applicants respectfully submit that present claims 120-122, 139, 140, and 144 are in condition for allowance, and such action is respectfully requested.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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